

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	13th November 2019
Application Number	18/02037/FUL
Site Address	Land at Rawlings Farm and Upper Peckingell Farm, Chippenham
Proposal	Construction of Bridge Over the Great Western Railway and Accommodation Works, Including Temporary Haul Road from Upper Peckingell Farm; Construction Compound; Bridge Beam Storage Compound; Cocklebury Link Road (Phase 1), and Associated Drainage Arrangements; Highway and Associated Landscaping.
Applicant	KBC Developments LLP
Town/Parish Council	Langley Burrell
Division	Kington
Grid Ref	393579 174709
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The Application has been called for committee determination in the event of a recommendation to approve by the Division Member, Councillor Greenman to consider the visual impact on the surrounding area; relationship to neighbouring properties; design and highways impact.

1. Purpose of Report

1.1 To consider the proposals in the context of the development plan and all other material considerations and recommend that consent be granted subject to conditions.

2. Report Summary

2.1 The application has been the subject of two formal periods of consultation and in total 86 representations of objection and 5 general comments have been received.

2.2 Key issues include: -

The Principle of Development

Impact to Highways

Impact to Residential Amenity

Impact on Heritage Assets

Impact to the Character, Appearance & Visual Amenity of the Locality including Trees

Impact to Ecology

Impact to Drainage/Flood Risk

3. Site Description

3.1 The development site for the bridge is located off Parsonage Way and will form a crossing over the Great Western Railway Line. The bridge will provide access to approximately 51ha of mixed farmland to the north east of Chippenham. This area of land is allocated within the Council's formally adopted Chippenham Site Allocations Plan (CSAP). The temporary haul road runs to the eastern side of the rail line largely along a north south axis from Peckingell Lane to the location of the proposed bridge. There are several mature trees and hedgerows in the locality as well as watercourses/bodies. The Council holds records of surface water flooding in this locality, potential land contamination and protected species of mammal (voles). There are also several designated heritage assets in the vicinity of the site including the Langley Burrell Conservation Area, Upper and Lower Peckingell Farms, Rawlings Farm and Green Bridge which crosses the rail line to the north of parsonage Way / west of Upper Peckingell Farm. The locality is one of known archaeological interest and potential.

4. Planning History

15/11886/FUL	Construction of a Bridge Across the London to Bristol Railway Line, as an Extension to Parsonage Way to Serve the Proposed Housing Development at Rawlings Green Approved
15/12351/OUT	Outline Permission for up to 650 Dwellings, Including 5ha Employment Generating Space and a 2 Form Entry Primary School. Up to 10ha New Public Open Space Including Country Park, Landscaping, Stormwater & Foul Drainage Works, Substation and Associated Infrastructure Works. Access Using Parsonage Way - Over New Railway Bridge, Darcy Close and from Cocklebury Lane (for Pedestrian/Emergency Works). Not yet determined (awaiting completion of Section 106 agreement)
17/07793/FUL	Works to existing road to provide new road link connecting B4069 Langley Road and Parsonage Way, including the provision of a footway/cycleway and new landscaping. Construction of new gyratory junction on Langley Road. Stopping up of existing section of Parsonage Way and change of use to provide storage area. Construction of link to existing storage area and provision of security fencing. Strategic Planning Committee Resolution to grant subject to a S106 agreement

5. The Proposal

5.1 The proposal involves the construction of a bridge across the London – Bristol railway line and phase 1 of the Cocklebury Link Road. The development will form an extension to Parsonage Way so as to serve the proposed mixed-use development at Rawlings Green. The proposal also includes the construction of a temporary haul road to facilitate construction of the bridge; erection of a storage compound and ancillary drainage, highways and landscaping works.

6. Planning Policy

6.1 Wiltshire Core Strategy Jan 2015 (WCS):

Core Policy 1-	Settlement Strategy
Core Policy 2-	Delivery Strategy
Core Policy 3-	Infrastructure Requirements
Core Policy 10-	Spatial Strategy: Chippenham Community Area
Core Policy 50-	Biodiversity and Geodiversity
Core Policy 51-	Landscape
Core Policy 57-	Ensuring high quality design and place shaping
Core Policy 58-	Ensuring the Conservation of the Historic Environment
Core Policy 60-	Sustainable Transport
Core Policy 61-	Transport and Development
Core Policy 62-	Development impacts on the transport network
Core Policy 63-	Transport Strategies
Core Policy 67-	Flood Risk
Appendix D	
Appendix E	
Appendix G	

6.2 Saved Policies of the North Wiltshire Local Plan (NWLP):

NE14- Trees

NE18- Noise and Pollution

T5- Safeguarding

6.3 National Planning Policy Framework 2019 (The Framework/NPPF):

Chapter 2- Achieving sustainable development (Paragraphs 7, 11 & 17)

Chapter 4- Decision Making (Paragraphs 38 & 47)

Chapter 5- Delivering a wide choice of high quality homes (Paragraphs 59, 65, 72, 74 & 75)

Chapter 6- Building a strong, competitive economy (Paragraphs 80 & 83)

Chapter 8- Promoting healthy communities (Paragraph 91)

Chapter 9- Promoting Sustainable Transport (paragraphs 108, 109, 110 & 111)

Chapter 12- Requiring Good Design (Paragraphs 124, 127, 131)

Chapter 14- Meeting the challenge of climate change, flooding and coastal change (Paragraphs 162, 163 & 165)

Chapter 15- Conserving and enhancing the natural environment (Paragraphs 170 & 178)

Chapter 16- Conserving and enhancing the historic environment (Paragraphs 189, 190, 191, 193, 196 & 197)

6.4 Chippenham Site Allocations DPD (CSAP DPD):

Policy CH2- Rawlings Green

6.5 The Langley Burrell Neighbourhood Plan (LBNP):

PB1- Parish Build Policy 1

LP1- Landscape Policy 1

HP1- Heritage Policy 1 Preservation of Heritage Assets and their setting

HP2- Heritage Policy 2 Maud's Heath Causeway

HP3- Heritage Policy 3 Preservation of Langley Common

HP4- Heritage Policy 4 Preservation of the heritage setting of hamlets and isolated listed buildings

NE1- Natural Environment Policy 1 Encouraging nature conservation benefits

NE2- Promoting countryside amenity and the rural footpath network

7. Consultations

7.1 The following summary is the position arising following completion of the two consultation exercises undertaken and is not intended to be a verbatim account of the consultation responses received in totality. Matters are addressed further in this regard under the subject specific headings contained in the body of the report.

Wiltshire Council Highways – No objection subject to conditions

Wiltshire Council Trees Officer – No objection subject to conditions

Wiltshire Council Drainage Office – Support subject to conditions

Wiltshire Council Ecologist – Support subject to conditions

County Archaeologist – Support subject to condition

Wiltshire Council Rights of Way Team – No objection

Wiltshire Council Public Protection – No objection subject to conditions

Wiltshire Council Spatial Planning Team - The proposals conform to CSAP policies CH2 subject to evidence that establishes compliance with the landscaping and traffic issues identified. The landscape and visual impact assessment must provide evidence to satisfy LBNP policies LB1 and LP1. Proposals for a temporary haul road will need to be justified independently as an element contrary to WCS Core Policy 2.

Wiltshire Council Conservation Officer – No objection subject to appropriate measures to control timescales relating to the haul road and site restoration.

Wiltshire Council Landscape Officer - No comments or objections to this bridge and haul route application, subject to a condition requiring restoration of the field route lengths back to agricultural land, and the restoration of temporary vehicle passing places along the rural road network etc.

Environment Agency – No comment being outside their consultation remit. Defer to Wiltshire Council as Lead Local Flood Authority Wessex Water – No objections but the Haul road affects WW infrastructure and so the applicant will need to agree protection measures with WW.

Historic England - Concerns regarding the application on heritage grounds but are content that these could be resolved through minor amendments to the current scheme or via suitably worded planning conditions.

Natural England – No comments, proposals considered unlikely to have significant effects on the natural environment.

Network Rail - No objection in principle to the above proposal but due to location next to Network Rail land and infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway NR include asset protection comments in the response which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

Langley Burrell Parish Council (multiple detailed submissions) – Objection supported by technical assessment of submissions from highways consultant (ADL). Addressed in further detail in the body of the report but in summary concerns raised as to the deliverability of the proposed temporary passing places along the route through Langley Burrell; impact to residents of vehicular movements through the village given the size and scale of vehicles proposed; concerns raised as to impact to heritage assets including Maud Heath Causeway and the underbridge with potential disruption to mainline rail services; Highways safety concerns arising from vehicular movements of this scale and volume in particular the junction of B4069 with The Common; damage to the highway carriageway from such vehicle movements; concerns as to the need for overnight road closures.

Chippenham Town Council – No objection noting the previous consent for the bridge subject to multiple conditions including provision of haul road details now addressed by the current application but subject to various matters being addressed. Such matters to include the concerns raised by residents of Langley Burrell regarding the impact of construction traffic; agreement of an effective and comprehensive construction traffic management plan include notification to interested parties and completion of the ridge works in advance of commencement development of residential development at Rawlings Green.

Bremhill Parish Council - Objection. Wiltshire Council should reject this application for a haul road on the basis that it is outside the CSAP and too disruptive and dangerous to be justified and will result in harm to Maud's Heath Causeway, Highways Hazard, free flow of traffic, pedestrians, walkers and cyclists and residential amenity.

8. Publicity

8.1 The application was advertised by press notice, site notice neighbour notification, notification to Parish and Town Councils, publication of details on the Council's website and including on the weekly list of applications. The proposals and subsequent additional submissions were the subject of 2 formal periods of consultation.

8.2 Eighty-six representations of objection and five general comments were received in total with several parties making multiple submissions. The following is a summary of all the issues raised by these total submissions. This includes submissions from a range of interested parties and organisations including James Grey MP; CPRE; NFU; Trustees of the Maud Heath Trust.

- Conflict with the development plan including CSAP and LGNP alongside conflict with national policy. No provision within the CSAP for a haul road to support development at Rawlings Green.
- Harm to residential amenity through noise and disruption arising from large scale vehicular movement through the village of Langley Burrell.
- Inadequate road conditions and infrastructure to accommodate the projected vehicular movements from construction both in volume and type.
- Harm to free flow of traffic / creation of a highways hazard because of construction vehicle movements along the route proposed/use of the haul road.
- Harm to heritage assets by damage arising from large scale vehicular movements/construction traffic e.g. Maud Heath Causeway, conservation area and listed properties in the village of Langley Burrell.
- Harm to transport infrastructure e.g. rail over bridges being too narrow and low height to accommodate the scale of construction vehicles using the proposed haul road and access route.
- Conflict with and harm to Rights of way and pedestrian/walker accessibility.

- Harm to character, appearance and visual amenity of the locality including loss of mature trees.
- Construction of the bridge and related traffic should take place from and be via Parsonage Way as previously approved and as this has significantly less harmful impacts and risks associated and is a feasible and reasonable alternative.
- Damage to road surfaces through and adjacent the village of Langley Burrell.
- Harm to ecological habitat and protected species.
- The haul road will be used and retained for further development in the locality and as a long-term access to the development at Rawlings Farm.
- Will generate noise and air pollution and structural damage to properties through vibration.
- Supporting information and impact assessment data in the transport statement in particular is misleading, inaccurate and/or inadequate including a range of commitments made.
- Consideration should be given to alternate transportation solutions and methods for delivery of materials and construction works e.g. rail.
- There already exists a bridge crossing at Cocklebury Lane that provides access to Rawlings Green and this could be used as an alternative access.
- Harmful impact to local business through disturbance from large scale construction traffic (volume and scale of vehicles) and vehicular conflict.
- The proposed Country park is not in accordance with the CSAP allocation in terms of location or quantum. (*Officer comment: This matter relates to app ref 15/12351/OUT*)
- Inadequate consultation.
- Application and proposals give no consideration to the Langley Burrell Neighbourhood Plan.
- The route for the construction traffic is already a rat run for vehicles between the M4 and Calne and this will lead to further unsustainable harmful traffic and related highway safety issues for the residents of Langley Burrell.
- An alternative route for the construction traffic would be via Darcy Close through Chippenham.
- If consent is granted full provision for reinstatement linked to a comprehensive existing condition survey of the route should be a requirement alongside agreement of a comprehensive construction traffic management plan.

9. Planning Considerations

9.1 Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the guidance of the NPPF (i.e. para 2), applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); Chippenham Sites Allocation Development Plan Document (CSAP DPD) (Adopted May 2017); and the Langley Burrell Neighbourhood Plan (Made October 2017).

9.2 Sections 66 (1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting a Listed Building or Conservation Area to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

9.3 The proposals constitute Environmental Impact Assessment development and have been supported by the submission of an Environmental Statement in accordance with the 2017 EIA Regulations.

The Principle of Development - Development Plan Conformity

9.4. Policies CP1, CP2 and CP10 define the development strategy in terms of the scale and distribution of housing and employment growth in the Chippenham area. The supporting text to CP10 at paras 5.55. – 5.57 identifies the broad strategic locations for meeting the identified level of growth and specifies that formal allocations to address requirements including supporting infrastructure needs will be advanced through the Chippenham Sites Allocation Development Plan Document (CSAP DPD).

9.5 The proposed bridge/rail crossing and the internal access road /Phase 1 of the Cocklebury Link Road which are the subject of this application are specifically identified as part of the proposals for the development of the Rawlings Green site allocation under CH2 of the CSAP DPD reflecting supporting text to CP10 of the WCS paras 5.5 – 5.57. The Langley Burrell Neighbourhood Plan recognises the allocation at Rawlings Green also at para 63 and inset map Figure 2.

9.6 The proposed Bridge/Rail Crossing benefits from an extant planning permission issued under application reference number 15/11886/FUL. This is a material consideration of significant weight in the determination of the current application.

9.7 In respect of the bridge and the phase 1 Cocklebury Link Road it is considered that the principle of development is acceptable being directly in accord with the adopted up to date development plan.

9.8 The temporary haul road and the construction compound are not specifically referenced in the development plan and in particular CH2 and its supporting text CSAP DPD. This is not however unusual, these are construction facilities of a temporary nature and most major site allocations do not identify and reference such facilities. The fact that these facilities are not referenced in the development plan does not necessarily render them in conflict with the plan in principle. There are no generic policies dealing with such temporary construction facilities as a matter of principle and as such they fall to be considered in terms of site-specific impacts in relation to relevant policies such as CP50, CP51, CP57 & CP58 of the WCS and PB1, PB1 LP1 HP1- HP4 NE1-NE2 LBNP. These matters are addressed under issue specific headings further below.

9.9 It is noteworthy that the CSAP DPD CH2 does identify that the road bridge and the Cocklebury Link Road from the rail bridge to Darcy Close must be completed and open for use as part of the first phase of residential development at Rawlings Green. The policy goes on to specify that the link between the Cocklebury Road and the B4069 should be open for use prior to the occupation of the 200th dwelling at Rawlings Green. Furthermore, that development beyond the first phase of 200 dwellings should not commence before a link road to the A350 is open for use or a set of comprehensive transport improvement measures of equivalent benefit is in place. The measures are necessary to provide acceptable access for the site at two points and to accommodate the traffic generated by the development.

9.10 To meet these requirements construction of the railbridge must commence at the earliest opportunity with the Cocklebury Link Road Phase 1 as soon as possible after completion and opening of the railbridge. This is also necessary in order to deliver the allocated housing to the trajectory envisaged in the Council's Housing Land Supply Statement. The railbridge cannot be physically constructed solely from the west of the rail line/Parsonage Way, some works including erection of the eastern abutments, including

pouring of concrete foundations, must take place from the eastern side of the rail line. Similarly, the Cocklebury Link Road phase 1 can only be constructed from the eastern side of the rail line.

9.11 The existing Cocklebury Road overbridge is not of sufficient scale to accommodate the vehicular traffic and loads associated with the railbridge and phase 1 link road construction. Similarly, Darcy Close does not provide an appropriate route for such construction vehicles involving use of internal residential estate roads and access through the centre of Chippenham with potential for significant disruption. Consideration of the traffic impacts of the Rawlings Green development to the central areas of Chippenham was a key consideration at the CSAP DPD examination and in part informed the approach to development of the site being tied to completion of the road infrastructure and two access points. It has also been suggested that the Rail line/rail services provide an alternative means of access for the rail bridge construction. This is not considered to be feasible given absence of a stopping point and facilities for offloading of materials in the vicinity of the site. Necessarily an alternative access route is required to facilitate as a minimum the construction of the eastern section of the rail bridge abutments and thereby meet the requirements of CH2 CSAP DPD to deliver the requisite road and access infrastructure which will deliver phase 1 of the residential development at Rawlings Green. In this context it is considered that there is some development plan support for the temporary haul road and construction compound, subject to consideration of site-specific impact matters.

9.12 The applicant has confirmed in further submissions that: -

- The Haul Road will only provide access for the construction of the eastern section of the rail bridge abutments with all other construction requirements taking place from Parsonage Way;
- The Haul Road will not be used for construction of the Cocklebury Link Road Phase 1;
- The Haul Road will not be used for construction of any of the residential or employment development at Rawlings Green and this will all take place via the rail bridge; and
- The Haul Road will be removed after the rail bridge has been opened for use.

9.13 Furthermore, the applicant has agreed to conditions that would address these matters and these are recommended below.

9.14 In this respect concerns have been raised that the proposed temporary haul road is designed to a standard that is significantly in excess of what is required to deliver the eastern railbridge structure and thereby results in unnecessary level of disruption to the locality and in particular the village of Langley Burrell. The details that are available would not confirm this to be the case, Highways Officers have reviewed the position in light of these concerns and confirm that the proposals are not excessive in relation to the projected level and nature of vehicular traffic that will use the road.

9.15 Concerns have also been raised that the Haul Road was not assessed as part of the allocation testing of the CSAP DPD at Public Examination and is not referenced in the CSAP DPD allocation CH2 and supporting text. A review of the Inspector's report confirms that the Inspector did not specifically consider and oppose use of a haul road. Consideration of traffic impacts and construction of the rail bridge and Cocklebury Link Road focusses on the impacts of traffic arising for the future residential and employment development on the locality with and without these access provisions. There is no specific mention of the construction approach and it is likely that this reflects the position referenced above that allocation planning and application determination in large part focus on the principle of development and potential impacts arising from the development once completed. The process of construction and implementation of development is rarely considered in detail as comprehensive information as to future construction arrangements and activities that could

inform such considerations are often not available at the development plan allocation/planning stage and as such matters are not generally considered material to the acceptability or otherwise of development in principle. Consequently, it is not considered that the absence of consideration of such proposals via the CSAP DPD examination itself presents an in-principle objection to, or a basis for refusing the application proposals, which must be considered on their own merits.

9.16 It is considered that there is sufficient justification for the provision of the haul road and a construction compound in terms of an identified requirement and no reasonable alternative approach that would meet the requirement without any or less impact and disruption. In this respect and given the relevant provisions of the development plan it is not considered that there is an in-principle objection to these elements of the proposals that would demonstrably support refusal on this basis.

Impact to Highways

Rail Bridge and Cocklebury Link Road Phase 1

9.17 As identified above the proposed rail bridge and Cocklebury Link Road Phase 1 are requirements of the development plan with specific timing elements in order to address the transportation/highways impacts of the development allocated under CH2 of the CSAP DPD. The Examiners report in respect of the CSAP DPD identifies at paras 80 - 85 that the supporting evidence and assessments informing the allocation demonstrate that the provision of these access and highways facilities and connections will mitigate traffic impact on the locality and potentially result in some degree of betterment over the existing situation in certain locations within Chippenham. This assessment is supported by the ES and Transport Statement submitted with the application. It is material to note that an extant consent exists for the rail bridge and the current proposals in that regard are identical to those already approved.

9.18 In respect of the CSAP DPD requirements it is also material to note that a resolution to grant consent for alterations to Parsonage Way highway layout has also been reached at Committee under application reference number 17/07793/FUL subject to signing of a S106 agreement. Work is well advanced in the latter respect. Submissions have been made by both parties in respect of technical details for the rail crossing and the revised layout of the Parsonage Way junction with the Rail bridge. These have been reviewed and assessed by Highways Officers and are considered to be sound and deliver an appropriate and safe highways route and connection. The applicant has had access to details of the Parsonage Way junction following concern being raised in this respect. Following provision of details, no further technical highways concerns have been raised by the applicant in this regard.

9.19 Highways Officers raise no objections or concerns with the proposals for the rail bridge or the Cocklebury Link Road Phase 1. These elements of the proposals are considered to accord with the development plan and raise no conflicts in respect of policies CP57 (x), CP60, CP61 and CP62 WCS; CSAP DPD policy CH2; or the provisions of the LBNP; or paras 108 109 & 110 of the Framework.

Haul Road and Compound

9.20 With respect to the Haul Road and the related storage compound Highways officers and a range of interested parties raised concerns in respect of the initial proposals as submitted. These concerns are summarised above and centre on highways safety and vehicular and other highway user conflicts and hazards alongside the adequacy of the highway network and related infrastructure (rail overbridge, verges, junctions etc) for the proposed routing of construction traffic that would utilise the Haul Road and provide for its

construction. In this context the initial submissions indicated two options for the haul road and its usage for a range of construction activities including delivery of large-scale elements of the rail bridge infrastructure. Various interested parties have also raised concerns regarding the long-term retention and use of the haul road.

9.21 Further to this and in response to these concerns the applicant has made further submissions through two technical notes and correspondence to clarify the following matters and which now forms the basis of the proposals:

- Route Option 2 for the Haul Road layout is proposed for approval
- Delivery of the large-scale rail bridge infrastructure such as the bridge deck will be via Parsonage Way and craned into position from the west side of the rail line
- The Haul Road will not be used for construction of residential properties and employment uses at Rawlings Green – access will be via the rail bridge
- The Haul Road will not be used for construction of the Cocklebury link road – access will be via the rail bridge
- All materials for the haul road itself and the eastern rail bridge abutment construction will be delivered during working hours and will not necessitate night time road closures
- The Haul Road will be removed once the rail bridge is open for use
- The construction traffic vehicle route for the haul road construction operation and decommissioning will be subject of pre-commencement and post completion condition surveys and all damage identified remediated under Highways Act provisions
- The route will be subject of a number of measures to provide vehicle passing places
- Large vehicle movements will be subject of banksmen control and management
- The construction vehicle route now does not pass under overbridge at Maud Heath Causeway/Kellaways and instead travels further north along Sutton Lane to the overbridge and returns back toward the Haul road along Sutton Lane

9.22 Many of these matters will be addressed through the preparation and agreement of a Construction Traffic Management Plan which will be secured by condition and to which the applicant has confirmed agreement. Separate conditions are proposed and have been agreed by the applicant regarding specific matters and requirements such as the removal of the haul road and the route condition survey.

9.23 Highway officers have considered the revised proposals and additional submissions and in particular have assessed in detail the operation proposals and potential highways impacts of construction traffic routing through the village of Langley Burrell and along Sutton Lane. The latest technical note from the applicant projects a worst case scenario for vehicle movements as follows:-

Construction Phase	Max Number of Trips (two-way) Maud's Heath Causeway Route	Max Number of Trips (two-way) Sutton Lane Route	Phase Duration (weeks)
Phase 1: Haul Road Construction	Up to 0 per hour	Up to 20 per hour	13
Phase 2: Haul Road Operation	Up to 0 per hour	Up to 10 per hour	38
Phase 3: Haul Road Removal	Up to 0 per hour	Up to 10 per hour	3

9.24 Furthermore, the maximum size of vehicle has now been reduced by the limitations on the materials that will be taken along this route to the eastern abutments of the rail bridge construction to a Tipper Wagon of 2.5 m width, 10.2 m length & 2.89 m in height. It is assessed that a vehicle of this size can pass under the identified rail overbridge and that with the passing places as proposed opposing vehicles can readily pass one another.

9.25 The applicant identifies a series of existing and proposed passing places along the route of the construction traffic with several identified in and adjacent to the Village.

9.26 Highways officers advise that subject to the agreement of a comprehensive Construction Traffic Management Plan; and the commitments for route enhancement and limitations on the construction activity, the proposals will not result in significant highway hazards or safety issues arising from vehicle and other road user conflicts such that consent ought to be refused on this basis. That is not to say that there will not be any impact or disruption - clearly construction on this scale will result in a degree of disruption to road users and the free flow of traffic. This however will be for a temporary period as identified above and it will deliver one of the main mixed-use allocations of the development plan with the benefits associated with so doing and as referenced in the conclusion and planning balance below.

9.27 These elements of the proposals are therefore also considered to accord with the development plan and raise no conflicts in respect of policies CP57 (x), CP60, CP 61 and CP62 WCS; CSAP DPD policy CH2; or the provisions of the Langley Burrell Neighbourhood Plan e.g. NE2; or paras 108, 109 & 110 of the Framework.

9.28 Taken together it is not considered that the cumulative impact of the proposals would result in significant harm and conflict with the identified policies of the plan and guidance in the framework such that consent ought to be refused on this basis.

Impact on Residential Amenity

Railbridge and Cocklebury Link Road Phase 1

9.29 It is material to note that these elements of the proposals are the subject of allocation in the Development Plan and intrinsic infrastructure requirements of the mixed-use development that is also subject of development plan allocation. The bridge itself is also the subject of an extant planning permission.

9.30 The application proposals are supported by an Environmental Statement that includes noise, vibration and air quality assessments. In addition, a technical note in respect of noise has also been submitted in the application. The submissions have been considered and reviewed by officers including Public Protection/Environmental Health. The assessment methodology and conclusions are considered to be sound and subject to the use of conditions Public Protection Officers raise no objection to the proposals. The recommended conditions are considered necessary and reasonable and are agreed by the applicant team. These are included in the recommendation below.

9.31 Given the location, form, layout and relationship to existing and proposed residential development it is not considered that the proposals will result in significant harm to existing or future residential amenity by virtue of disturbance, air or noise pollution, overbearing impact, loss of or inadequate privacy, overshadowing or loss of daylighting either during construction or during operation and use in the future, such that consent ought to be refused on this basis. The proposals are therefore considered to accord with CP57(vii) of the WCS; and para 127 of the Framework.

Haul Road and Compound

9.32 These elements of the proposals are similarly supported by the submitted Environmental Statement and Technical Note. Public Protection Officers have also considered these submissions and similarly consider them to be sound and so raise no objection subject to use of conditions on the grounds of harm through noise disturbance, vibration or air quality pollution. The conditions recommended are considered reasonable and necessary, are agreed by the applicant and are recommended below.

9.33 Given the location, form and scale of the proposed compound in relation to existing residential properties, alongside its temporary nature and the presence of infrastructure such as the nearby rail line it is not considered that harm to existing residential amenity will arise in respect of noise & vibration disturbance, overbearing impact, loss of privacy, overshadowing, loss of daylighting or overbearing impact such that a consent ought to be refused on this basis, subject to the use of appropriate and necessary conditions. In this respect this element of the proposals accords with CP57(vii) of the WCS; and para 127 of the Framework.

9.34 With respect to the Haul Road local residents and interested parties have raised concerns as to the impact on residential amenities of residents in and around the village of Langley Burrell. To a large degree, but not exclusively, this relates to the construction traffic (vehicle movements both in scale of vehicle and volume) routing through the village that will be required to construct the haul road itself and which will utilise the haul road for the construction of the eastern abutments of the rail bridge. It is also the case that the haul road itself along both the options advanced and that selected runs in the vicinity of existing residential properties including Upper and Lower Peckingell and Rawlings Farms. The concerns raised in respect of residential amenity in particular relate to disturbance and disruption arising from vehicular conflicts, restriction on access to and from properties, parking conflicts, conflicts for pedestrian cyclist, runners, horse riders and all road/pedestrian footway users in relation to construction vehicular traffic, noise and vibration disturbance and air pollution.

9.35 As noted above in the section addressing Highways Impacts it is considered that the proposals have been significantly revised in respect of the construction traffic that will be routed through the village. Conditions are proposed to require submission and agreement of a construction traffic management plan that will assist with the control of such vehicle movements and officers consider this will mitigate and minimise disturbance and disruption. It is the case that some level of disruption will occur given the scale of development and related volume of construction traffic. As already noted however it is not considered that there is a reasonable alternative access route that would achieve the same objectives and remove or further minimise such disruption. Whilst this is of little comfort to those affected it does also have to be borne in mind that the impacts are not permanent and are a consequence of a development plan allocation that will deliver significant benefits and meet identified needs and requirements for housing and employment development in this locality. In this regard it is not considered that the impacts result in such significant harm to residential amenity that development ought to be refused on this basis.

9.36 Similarly, Public Protection Officers have reviewed and assessed the submission in respect of noise, vibration and air quality impacts. Subject to the use of conditions, which are reasonable and necessary, and which are agreed by the applicant, no objection is raised. Again in this respect it must be acknowledged that the impacts are temporary and that there is no reasonable alternative route proposal that would remove or further minimise the level of impact identified. The conditions proposed do provide for monitoring in relation to noise throughout the construction period and if issues are identified, require mitigation proposals to

be agreed. the development will ultimately result in significant benefits and the implementation of a development plan allocation for major mixed use development.

9.37 In this respect it is also considered that that this element of the proposals will not result in significant harm to residential amenities such that consent ought to be refused on this basis. In this respect this element of the proposals accords with CP57(vii) of the WCS; and para 127 of the Framework.

9.38 Taken together it is not considered that the cumulative impact of the proposals would result in significant harm and conflict with the identified policies of the plan and guidance of the framework such that consent ought to be refused on this basis.

Impact on Heritage Assets

Railbridge and Cocklebury Link Road Phase 1

9.39 It is material to note that these elements of the proposals are the subject of allocation in the Development Plan and intrinsic infrastructure requirements of the mixed-use development that is also subject of a development plan allocation. The bridge itself is also the subject of an extant planning permission. The design and detail of the bridge as now proposed is identical to that already approved. There has been no material change in circumstances in relation to the designated heritage assets that could be affected by the bridge once constructed. In this context it is not considered that a different conclusion to the previous assessment and determination could reasonably and justifiably be reached.

9.40 In that respect the previous officer report for application reference 15/11886/FUL identifies harm to the setting of the Grade II listed Green Bridge and therefore conflict with WCS policy CP58. Other material considerations are then taken into account including the Framework and the requirement to consider and balance any such harm against any benefits of development. In so doing officers and ultimately the Council's Strategic Planning Committee concluded that the benefits of development outweighed the harm identified. No harm to the Langley Burrell or any other Conservation Area or the setting of other designated heritage assets in the locality e.g. the Upper and Lower Peckingell and Rawlings Farmhouses arising from the bridge was identified.

9.41 It should also be noted that in relation to this application the Council's Senior Conservation Officer, Archaeologist and Historic England raise no objection to the scheme proposal subject to some minor amendments, clarifications or additional information and assessment that can be addressed through the use of conditions.

Haul Road and Compound

9.42 Both the Haul Road and the proposed compound are located in the setting of designated heritage assets including Upper and Lower Peckingell Farm, Rawlings Farm, Maud Heath Causeway (Raised section each side of Kellaways Bridge) and Green Bridge. They are also in the vicinity but outside of the Langley Burrell Conservation area. The routing of the construction vehicular traffic for the construction of the haul road and the eastern abutments of the Rail bridge is through the Langley Burrell Conservation Area and at least in part along the Maud Heath Causeway (*A search of Council's GIS constraints mapping and the Historic England Website List of protected sites does not identify Maud's Heath Causeway as a Scheduled Ancient Monument*). The proposals include provision of passing places along this route to accommodate opposing vehicular movements.

9.43 In this context it is again important to note that Historic England and the Council's Senior Conservation Officer and Archaeologist do not raise objections or identify harm subject to use of conditions.

9.44 It is also important to note that the proposals are temporary and that mitigation is proposed in the form of removal of the haul road, the compound will also be removed, the land in question returned to its current condition, and the construction traffic route to be subject of pre-commencement and post completion condition surveys with full remediation of any degradation or impacts undertaken. These matters are to be secured by condition and this has been agreed with the applicant. In this context the impacts are considered to be neutral and consequently no conflict with the development plan or the framework arises. Even should it be considered that there is harm it is considered to be less than substantial under the terms of the guidance in the framework and in that respect to the lower end of the scale. Should that be the case and conflict with CP58 WCS; and HE1, HE2, HE3 & HE4 of the LBNP arise the balancing exercise defined by para 196 of the framework must be undertaken as a material consideration of significant weight. In this respect the benefits arising from development in relation to delivery identified housing and employment needs through implementation of a development plan mixed use allocation, alongside the economic benefits of construction, CIL provision and the employment opportunities arising from the mixed-use development allocation under CH2 of the CSAP DPD are considered to demonstrably outweigh this level of harm.

9.45 It is recognised that interested parties and many local residents identify a wide range of significant concerns arising from the submissions to date in relation to heritage assets. However, in large part these stemmed from the proposals as submitted and concerns that the haul road would be retained in perpetuity. It must be bore in mind that the proposals have been amended significantly as they relate to the construction traffic routing and use of the haul road which have significantly reduced the potential for harmful impacts. This is considered to be the case of designated heritage assets also. It has to be noted that the removal of the haul road is required by condition with a defined timeframe and that this has been agreed by the applicant.

9.46 Taken together it is not considered that the cumulative impact of the proposals would result in significant harm and conflict with the identified policies of the plan and guidance of the framework such that consent ought to be refused on this basis.

Impact to the Character, Appearance & Visual Amenity of the Locality including Trees

Railbridge and Cocklebury Link Road Phase 1

9.47 It is material to note that these elements of the proposals are the subject of allocation in the Development Plan and intrinsic infrastructure requirements of the mixed-use development that is also subject of development plan allocation. The bridge itself is also the subject of an extant planning permission. The design and detail of the bridge as now proposed is identical to that already approved. The site does not fall within a designated "valued" landscape as defined in the framework. There has been no material change in circumstances in relation to the Landscape character and designations that could be affected by the bridge once constructed since determination of the previous application. In this context it is not considered that a different conclusion to the previous assessment and determination could reasonably and justifiably be reached.

9.48 In that respect the previous officer report for application reference 15/11886/FUL identifies that the previous proposal resulted in some tree, shrub and hedgerow removal and with the development proposed some urbanising effect that resulted in change and some

degree of harm to the character, appearance and visual amenity of the area. However, it was assessed that these impacts could be effectively mitigated through additional and replacement planting and landscaping and that this could be controlled through the use of conditions. It is considered that this assessment is correct and remains appropriate. Relevant conditions are included in the recommendation below and these are agreed by the applicant.

9.49 It should be noted that neither the Council's Landscape officer or Tree officer raise objection to the scheme proposals subject to the use of conditions which are proposed in the recommendation below and which are agreed by the applicant.

9.50 On this basis it is not considered that these elements of the proposals result in such significant landscape harm or conflict with CP51, CP57 (I, ii, iii, iv) of the WCS; LB1 LBNP; or para170(b) of the framework such that consent ought to be refused on this basis.

Haul Road and Compound

9.51 It is material to note that both the haul road and the compound are temporary proposals and are subject of proposed conditions for removal and reinstatement. Similarly, highway work associated with the construction traffic routing and access requirements are subject of surveying and reinstatement requirements. The proposals will result in some alteration to the character, appearance and visual amenity of the locality from the present situation and this will result in some degree of harm. However, given their temporary nature and mitigation through conditional requirement for removal and reinstatement plus repair of any damage to landscape and heritage features and characteristics of the locality it is considered that this harm is capable of appropriate mitigation and resolution. Subject to conditions in this respect it is considered that these elements of the proposal would not result in such landscape harm or conflicts with WCS CP51 & CP57 (I, ii, iii, iv); LB1 LBNP; or para170(b) of the framework such that consent ought to be refused on this basis.

9.52 Taken together it is not considered that the cumulative impact of the proposals would result in significant harm and conflict with the identified policies of the plan and guidance of the framework such that consent ought to be refused on this basis.

9.53 It is noted that interested parties have raised concerns regarding the form and location of the proposed county park element of the mixed-use development at Rawlings Green that the rail bridge and Cocklebury Link Road phase 1 will service. This is however a matter that is relevant to and the subject of the separate application reference 15/12351/OUT.

Impact on Ecology

9.54 The application proposals are supported by Environmental Statement and Phase 1 Habitat and Protected Species Surveys. The assessments identify habitat and protected species including badgers and slow worms as impacted by the proposed rail bridge, haul road and compound. In this respect there is harm, however, mitigation is proposed in this respect through translocation and replacement badger sett and this is addressed by condition as proposed in the recommendation below and agreed by the applicant.

9.55 The Council's Ecologist supports the proposals subject to the use of the identified conditions. Natural England and The Environment Agency raise no objection or indeed comment in respect of the scheme proposals.

9.56 On this basis it is not considered that harm arises to Ecological interests such that consent ought to be refused on this basis and indeed the proposals including mitigation, planting, surface water drainage measures and use of conditions securing submission and

agreement of a Landscape and Ecological Management Plan which will provide for biodiversity enhancement. As such the proposals are considered to accord with CP50 CP57 (i, ii, iii, iv) WCS; NE1 LBNP; Paras 170 & 178 of the Framework.

Impact on Drainage/Flood Risk

9.57 The application proposals are supported by an Environmental Statement, Flood Risk Assessment and Drainage Strategy. These identify that a comprehensive SUDs proposal is required and that soakaways will not address requirements. In this context storage tanks, swales, attenuation ponds/detention basins are required alongside flow control devices and are part of the proposed drainage strategy. Based on this policy-based requirements to control surface water flows to greenfield run off rates, and requisite betterment to address climate change, would be achievable subject to the use of conditions.

9.58 It is noted that the construction storage compound includes welfare facilities and so has foul drainage implications even though temporary. It is considered that this can be appropriately addressed through the use of conditions.

9.59 It should be noted that the Council's Drainage Engineers support the proposals subject to the use of conditions which are proposed in the recommendation below and are agreed by the applicant.

9.60 Wessex Water raises no objection to the scheme proposals but identifies that they have infrastructure within the site that has the potential to be affected by the proposal and so protection measures will need to be agreed directly with Wessex Water. An informative is proposed in this respect in the recommendation below.

9.61 The Environment Agency raises no objection in respect of the scheme proposals and makes no recommendation for use of conditions.

9.62 On this basis it is considered that the proposals accord with CP67 of the WCS; and paras 162, 163 & 165 of the framework.

Other matters

Land ownership

9.63 The matter has been the subject of previous submissions both in the context of the previous application for the bridge and the examination and adoption of the CSAP DPD. The CSAP DPD Examining Inspector's report addresses the issue and concludes as follows: -

The remaining concern with deliverability of the rail bridge, that of disputed land ownership, was a matter raised as part of the resumed Examination. The small area of land in question lies between the built section of Parsonage Way which ends in a short spur adjacent to the top of the railway embankment and the ownership of Network Rail. The dispute is between Wiltshire Council and adjacent landowner, Messrs Wavin Plastics, each claiming a controlling interest in the land. The matter of land ownership is not a planning matter to be resolved within the Examination process, it is for the parties concerned to seek a resolution, ultimately through the courts. However, there are implications so far as deliverability of the rail bridge is concerned, and therefore completion of the development of the Rawlings Green site.

Counsel's Opinion submitted to the Examination, based on documentary evidence [CTAN/15], and legal advice obtained by KBC Developments Ltd [RM/7a], supports the Council's view that – on the balance of probabilities - the land between the kerb-line of

Parsonage Way and the boundary of Network Rail's ownership was adopted as highway maintainable at public expense. Even if this were not the case, Counsel's Opinion is that Wiltshire Council could exercise compulsory purchase powers to acquire the land in order to construct or extend an existing highway.

From the evidence, and using a common-sense approach to the matter, it appears that the physical layout of Parsonage Way took account of a potential rail crossing and that the narrow strip of land in dispute has no other obvious use. It also appears unlikely that, if the matter of ownership were so important, it has not been disputed in the 20 or so years since this section of Parsonage Way was adopted. In particular, it does not appear to have been the subject of dispute earlier in the process of developing the CSAP and its submission for Examination. For these reasons there do not appear to be insurmountable problems which would prevent the construction of the rail bridge.

The future possible electrification of the rail line was raised at the hearings as a potential problem for the construction of a bridge. However, the Council's evidence was that the depth of the cutting at the point of crossing would be more than adequate for the inclusion of electrification apparatus, and no contrary evidence was presented.

9.64 The work currently progressing on the S106 required to support permission to be issued under application reference 17/07793/FUL to Wavin will ensure that development does not prejudice implementation of the rail bridge as is required by the Committee's resolution.

10. Conclusion – The Planning Balance

10.1 It can be seen from the analysis in the body of the report that the proposed development is Development Plan compliant and indeed specifically delivers policy requirements of the plan. There is some conflict with CP58 of the WCS but when the proposal is considered against the provisions of the NPPF the benefits of the scheme, including delivery of development plan requirements and economic benefits, demonstrably outweigh any harm to the designated heritage assets.

10.2 The benefits of the scheme are clear. It would provide an opportunity to deliver the bridge required by CSAP at an early stage of the development and would help facilitate development within the site, furthermore, the proposal is consistent with the CSAP DPD and the benefits of granting consent are compelling. On balance, the public interest is best met by granting planning permission.

RECOMMENDATION

Approve subject to conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Highways Technical Note 2 Dated 30th August 2019.
5609-ATR-13-B (1 OF 2) Dated June 2019
5609-ATR-013-B (2 OF 2) Dated June 2019

5609-SK-020-B (1 OF 2)
5609-SK-020-B (2 OF 2)
70005609-FIG 1 (Bridge Construction Traffic Routes)
70005690-SK-021-A (1)
70005690-SK-021-A (2) Received 6/9/19
Tree Survey AIA & Method Statement 1st March 2019
Noise Assessment and Management Plan Received 08/03/2019
5609-GA-0009-B
BRL-PL151
BRL-PL200 Plant Schedule
Topographic Survey BRL PL150 (21/01/19)
BRL PL152 Plant Schedule
CB-SK-011 P01
245988-ARP-DRG-EST-00001 P03
5609-GA-005 REV A
5609-GA-007 REV A Received 29/02/2019

REASON: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of the development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority. The CTMP shall set out the proposed programme for the construction of the works, the forecast number and timing of lorry movements associated with each element of the programme, methods to be employed on the site to ensure that detritus from the site is not deposited on the public roads, temporary road works to mitigate damage to the existing highway structure (carriageway and verges), construction traffic signage on the proposed haul route from the B4069, lorry and car parking on the site to accommodate construction traffic. The works shall be carried out in accordance with the approved CTMP at all times.

REASON: To ensure that a reasonable degree of control is exercised over construction traffic during the construction period, and to mitigate the impact of such traffic on the local communities affected.

4. Prior to the commencement of the development there shall be a full condition survey of the haul road between the B4069 junction with Maud Heaths Causeway at Langley Burrell to Upper Peckingell Farm, which shall be submitted for approval by the local planning authority no later than 14 days prior to the commencement of works. The survey shall detail all existing defects on the route, both in written and image form, in accordance with a scheme which shall first have been agreed by the local planning authority. When works have been completed, a further survey shall be undertaken and submitted to the local planning authority within 1 month of completion. Within one month of that survey being approved, a scheme of remedial works shall be submitted for approval, setting out detailed proposals for remediation of any damage and including a timeframe for implementation. The agreed works must be completed to the satisfaction of the Local Planning Authority in accordance with the approved timescale.

REASON: Pre-works and post-works surveys are required in order to establish the appropriate levels of remediation required to damage reasonably attributable to the construction traffic, and potentially enforced by the highway authority under the provisions of s59 Highways Act 1980.

5. Construction traffic to the site by way of the identified haul route Route Option 2 via Peckingell Lane shall be limited to use by construction traffic needing access to construct the site haul road, construction compounds, surface water attenuation pond and the railway bridge only. The site haul road shall not be used for the haulage of materials required in

connection with the site's permanent distributor road, which shall not be commenced until such time as the Parsonage Way railway bridge, or an approved alternative access from Darcy Close, can be used as a site haul route. The temporary haul road shall be removed in its entirety within 4 weeks of the bridge having been provided with a temporary road surface capable of carrying construction traffic. No construction materials of any sort shall be removed from the site via Peckingell Lane.

REASON: In order to minimise the amount of heavy traffic using what in other circumstances would be regarded as inappropriate on such narrow roads, in the interests of highway safety, and in the interests of the amenity of the Langley Burrell and Peckingell communities.

6. Prior to the commencement of the Cocklebury Link Road Phase 1 full details of the internal permanent site roads connecting to the Link Road shall first have been submitted to and approved by the local planning authority. Details shall include road construction details, vertical and horizontal alignment, drainage, lighting, signing, marking and all associated roadworks required to secure an adoptable distributor road. The roads shall be constructed in accordance with the approved details.

REASON: In order to ensure that internal site roads are appropriate to serve their intended function.

7. The bridge when completed shall only be used by vehicles associated with the construction of development allocated under Policy CH2 of the Chippenham Sites Allocation DPD, or by occupiers of the development following the provision of vehicle turning facilities, the details of which shall have been first submitted to and approved by the LPA.

REASON: In order to avoid unwanted encampment or parking in an area where a formal turning facility will not be provided, and in the interests of highway safety.

8. Prior to the commencement of the bridge/rail crossing hereby permitted details of the structural design of the bridge, including cladding and exposed surface materials, arrangements for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The proposed application contains insufficient information and the matter raised above require to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

10. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010

“Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land. [In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

11. No works shall commence on the construction of the railway bridge until details of storm water drainage incorporating sustainable drainage details have been submitted to and approved by the LPA. The storm water drainage arrangements shall be completed in accordance with the approved details prior to the first length of distributor road being brought into use. The storm water drainage arrangements shall be completed in accordance with the approved details prior to the railway bridge being first brought into use. No works shall commence on the length of distributor road until details of the storm water drainage incorporating sustainable drainage details have been submitted to and approved by the LPA.

REASON: To ensure that the development can be adequately drained.

12. Prior to construction of any element of this application, an Ecological Construction Method Statement will be submitted to the LPA for approval. It will include all elements of the construction of the haul road, taking account of any phasing and temporary measures. The additional planting and any other features provided either as mitigation or enhancement for biodiversity must be integrated into the Landscape & Ecological Management Plan for the wider site and must be submitted for approval prior to the start of construction. Such features must be clearly labelled on the drawings as ecological mitigation or enhancement, with specific management prescribed.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

13. No development shall commence until:

a. A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority. The programme of investigation should be implemented in accordance with the scope of works set out in the approved Framework Archaeological Mitigation Strategy; and

b. The approved programme of archaeological work has been carried out in accordance with the approved details as set out in the Framework Archaeological Mitigation Strategy and the agreed Written Scheme of Investigation.

REASON: To enable the recording of any matters of archaeological interest.

14. No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The means of foul water disposal from the construction compound welfare facilities;
- ii. The cutting or other processing of building materials on site;
- iii. The transportation and storage of waste and building materials;
- iv. The recycling of waste materials (if any);
- v. The loading and unloading of equipment and materials
- vi. The location and use of generators and temporary site accommodation;
- vii. Pile driving (If it is to be within 200m of residential properties);
- viii. Hours of Construction.

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: In the interests of residential amenity

15. No burning of waste or other materials shall take place on the development site at any time during development.

REASON: In the interests of residential amenity

16. Control of noise from construction work for the bridge and haul road and haul road operations shall be undertaken in accordance with BS8225 and the recommendations of report ref. 19-031 'Inacoustic' Noise Assessment & Management Plan Information dated 26th February 2019.

A suitably qualified person must undertake regular noise monitoring during construction works and operation of the haul road and keep a written record that is available to the LPA upon request.

Any planned departure from these requirements must be reported to the LPA in advance of works being undertaken and a scheme of mitigation agreed with the LPA.

REASON: In the interests of residential amenity.

17. Prior to the commencement of the bridge/rail crossing and Cocklebury Link Road Phase 1 hereby approved a scheme of soft landscaping related to that element of the development shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- full details of any tree to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;

- retained historic landscape features and proposed restoration, where relevant.
- details and location of any new or replacement trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

Prior to the removal of the Haul Road and Construction Compound a scheme of remedial soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- retained historic landscape features and proposed restoration, where relevant.
- details and location of any new or replacement trees, of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

18. All soft landscaping comprised in the approved details of landscaping for the bridge shall be carried out in the first planting and seeding season following the first use of the bridge or the substantial completion of the bridge whichever is the sooner; All soft landscaping comprised in the approved details of landscaping for the Cocklebury Link Road Phase 1 shall be carried out in the first planting and seeding season following the first use of the Cocklebury Link Road Phase 1 or the substantial completion of the Cocklebury Link Road Phase 1 whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

INFORMATIVE TO APPLICANT:

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it

may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE TO APPLICANT:

The proposed bridge will be subject to a legal agreement in respect of its adoption as highway and its future maintenance; the agreement will be made under the provisions of s38 and s278 of Highways Act, and the agreement should be concluded prior to the commencement of the works. The agreement will include a specific commitment to meet the costs of remediating unacceptable differential settlement at the bridge approaches, for a period of at least ten years.

INFORMATIVE TO APPLICANT:

Any works to, or within 8 Metres of a watercourse will require LDC which has a separate application process. Where the works may constitute a change to a flow rate into a watercourse, early application to prevent clashes with planning permissions/conditions is recommended

INFORMATIVE TO APPLICANT:

The available space at the eastern end of Parsonage Way for use by construction traffic is limited. It is likely that land outside the highway boundary might be required if any extensive operations are undertaken from the Parsonage Way side of the railway. The road itself will have to remain open to accommodate the traffic associated with operations at the Council depot, Bulk Hardware and Wavin. Occupation of any highway space will have to be agreed with Wiltshire Streetworks.

INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

Appendices:

**Background Documents Used in the Preparation of this Report:
Wiltshire Core Strategy**

**Chippenham sites Allocation Development Plan Document
Langley Burrell Neighbourhood Plan
National Planning Policy Framework
National Planning Practice Guidance
Application Documents**